

REMARKS/ARGUMENTS

Claims 1-4 and 7-13 are active in the case.

Claim 1 has been amended to recite the particular substituents for R<sup>1</sup> and R<sup>3</sup> of Claim 5. New Claims 8-13 have been presented in Jepson form reciting an improvement in a water-based ink for inkjet recording, including the limitations of amended Claim 1 for new Claim 8 and Claims 2-4, 6 and 7 for new Claims 9-13. No new matter has been added into the amended claims or new claims.

The rejection of Claims 1-4 and 7 under 35 U.S.C. §112, first paragraph is now moot, because of the amendment to Claim 1 adding the specific substituents of Claim 5 therein.

The rejection of Claims 1-4 and 7 under 35 U.S.C. § 102(b) as anticipated by Fague is now moot, because of the amendment to Claim 1 adding the specific substituents of Claim 5 therein.

The rejection of Claims 1-3 and 7 under 35 U.S.C. §102(b) as anticipated by Kappele et al is now moot, because of the amendment to Claim 1 adding the specific substituents of Claim 5 therein.

The rejection of Claim 4 under 35 U.S.C. §102(b) as anticipated by or, in the alternative, under 35 U.S.C. §103(a) as being unpatentable over Kappele et al is now moot, because of the amendment to Claim 1 adding the specific substituents of Claim 5 therein.

The rejection of Claims 1-3, 5 and 7 under 35 U.S.C. §102(b) as anticipated by Hattori and the rejection of Claim 4 under 35 U.S.C. §102(b) as anticipated by or, in the alternative, under 35 U.S.C. §103(a) as unpatentable over Hattori is traversed.

The present invention is directed to a water-based ink for use in inkjet printing. There are stringent requirements for water-based inks used in inkjet printing, because, as discussed in the specification on pages 1 and 2, there is a need to avoid nozzle clogging and a need to improve drop directionality during the inkjet recording process. Page 7, lines 12-15 of the specification indicates that the average particle diameter of the polymer particles containing the colorant is 20 to 200 nm, which improves dispersion stability and thereby inhibits nozzle clogging. The present claims contain this limitation on polymer particle size. Hattori is not directed to a water-based ink for use in inkjet printing, but is only directed to an ink for use in a writing implement, i.e., a pen. Hattori does not teach or suggest an aqueous dispersion of polymer particles having an average particle diameter of 20 to 200 nm, which particles contain a colorant, because there is no need for this particle size range in Hattori, since the writing implement or pen is not subject to the same stringent requirements for inks used in inkjet printing with regard to nozzle clogging and decrease in drop directionality during the inkjet recording process.

Further, it is clear that the polyalkylene oxide derivatives of formulas (II) and (IV) of the present claims do not overlap the polyoxyethylene polyoxypropylene alkyl ether surfactant of Hattori. The arrangement of the polyalkylene oxide derivative of (I) of the present claims is different from that of Hattori, since Hattori must contain oxyethylene and oxypropylene groups along with an R group of 4 to 31 carbons, while the polyalkylene oxide derivative of (I) of the present claims does not contain three different substituents like that of the surfactant derivative of Hattori. Further, the arrangement of the constituents in the polyalkylene oxide derivative of (III) is different from the arrangement of the constituents in

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the surfactant of Hattori, since Hattori has an R group of 4 to 31 carbon atoms, followed by propylene oxide groups followed by ethylene oxide groups and a hydrogen, while (III) has an arrangement of R<sup>3</sup> group, an ethylene oxide group and a 1,2-propylene oxide group.

Therefore, the claims are not anticipated by and distinguish over Hattori.

Finally, in view of the fact that the above claims are not anticipated by Hattori, it is clear that the limitation of Claim 4 on the surface tension of the polyalkylene oxide derivative of the present claims is not taught or suggested by Hattori.


It is submitted that Claims 1-4 and 7-13 are allowable and such action is respectfully requested.

Respectfully submitted,

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